

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 12**

PRE-TRIAL CONFERENCE MINOR CASE

This fact sheet is intended to help parties prepare themselves for a pre-trial conference.

What is a pre-trial conference?

A pre-trial conference is a meeting between the parties to attempt settlement of a case before a Registrar.

When is a pre-trial conference held?

A pre-trial conference may be held immediately after a status conference, if directed by a magistrate.

A status conference is listed by a Registrar within 14 days after the defendant lodges a **Form 15A – Response to Claim** indicating their intention to defend the claim. The Registrar will then notify all parties in writing when and where the status conference will be held. At the status conference, a Magistrate may refer the parties to a pre-trial conference the same day before a Registrar.

**See Fact Sheet:
No. 14A – Status Conference Minor Case Claim**

Why have a pre-trial conference?

An essential part of the court's objectives, is to bring the parties to a settlement that will prevent the need to go to a trial.

At the pre-trial conference the parties should be in a position to explore settlement.

Who must attend?

All parties must attend the pre-trial conference **in person**.

If a party is a corporation, it may be represented by one of its officers whom it has authorised to do so.

If a party's attendance is likely to cause undue expense or the party is of ill health, a party may apply to the registrar prior to the pre-trial conference for the hearing to be conducted by audio link.

What happens if I do not attend the pre-trial conference?

If a party fails to attend a pre-trial conference, the Registrar at the pre-trial conference may give default judgment against the party.

Do I need to bring my witnesses?

Witnesses are not required to attend.

Role of the registrar at a pre-trial conference

The primary role of the Registrar is to attempt to bring the parties to a settlement that is acceptable to all the parties. **The Registrar cannot give legal advice.**

The Registrar may:

- determine what facts, if any, are agreed by the parties
- order parties to exchange other documents or information
- order parties to lodge and serve counterclaims and third party claims
- recommend to the Court that it order the parties to attend before a Mediator
- make any other directions necessary to facilitate a settlement and
- list the case for a further pre-trial or status conference.

The forms are available on the Magistrates Court website: www.magistratescourt.wa.gov.au.

Offers of settlement

Any party may make an offer (or a number of offers) to settle the dispute.

Any attempt to settle a case at a pre-trial conference is taken to be said or done without prejudice.

What happens if the parties settle?

If a settlement is reached, the Registrar will draw up a **Form 49 - Memorandum of Consent Orders** for both parties to sign.

This order becomes a judgment of the Court and can be enforced by the successful party.

See Fact Sheet:
No. 23 - Enforcing a Judgment

What happens if the case does not settle at the pre-trial conference?

The Registrar will either list the case for another Status Conference or list the case for trial, and notify the parties in writing.

Confidentiality

See Fact Sheet:
No. 16 - Trial

The pre-trial conference is conducted 'without prejudice' and is private and confidential. Matters discussed at the pre-trial conference, or any admissions made, cannot be used outside the conference.

Only orders made at the conference are noted on the court record.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.